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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF PARTIES'  
AMENDED JOINT PROPOSED  
PRETRIAL ORDER**

23 vs.

24 UBER TECHNOLOGIES, INC.;  
25 OTTOMOTTO LLC; OTTO TRUCKING  
26 LLC,

27 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully  
 2 requests to file under seal portions of the Parties’ Amended Joint Proposed Pretrial Order.  
 3 Specifically, Waymo requests an order granting leave to file under seal the portions of the  
 4 documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Amended Joint Proposed Pretrial Order	Highlighted Portions	Waymo (green highlighting)
Appendix A to Amended Joint Proposed Pretrial Order	Entire Document	Waymo; Defendants
Appendix D to Amended Joint Proposed Pretrial Order	Highlighted Portions	Waymo (green highlighting); Defendants (blue highlighting)

11 **I. LEGAL STANDARD**

12 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or  
 13 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under  
 14 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored  
 15 to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials  
 16 may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good  
 17 cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*,  
 18 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331  
 19 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

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 21 **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

22 The Court should seal the portions of the Amended Joint Proposed Pretrial filings identified by  
 23 Waymo in the table above. Waymo seeks to file this information under seal because it discloses  
 24 Waymo’s trade secrets and confidential business information. *See* Declaration of Felipe Corredor  
 25 (“Corredor Decl.”) ¶¶ 3-5. Courts have determined that trade secret information merits sealing.  
 26 *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078, 2015 WL 3993147, at \*1  
 27 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013)

1 (granting request to seal document that “consists entirely of descriptions of Brocade’s trade secrets”).  
 2 Confidential business information that, if released, may “harm a litigant’s competitive standing” also  
 3 merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to  
 4 seal trade secrets that fit squarely within these categories. Corredor Decl. ¶¶ 3-5. Waymo maintains  
 5 this information as a trade secret (*see* Dkt. 25-31) and ensures the information remains secret with  
 6 strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *See* Corredor Decl. ¶ 4. Waymo  
 7 has narrowly tailored its requests to only information meriting sealing. *Id.* ¶ 5. In fact, both *Music*  
 8 *Group* and *Brocade* found the confidential information at issue in those cases met the heightened  
 9 “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL  
 10 211115, at \*1, \*3. The information that Waymo seeks to seal, therefore, also meets this heightened  
 11 standard. The disclosure of Waymo’s trade secret information would harm Waymo. Corredor Decl.  
 12 ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is consistent with other  
 13 administrative motions to seal that have already been granted by the Court in this case. (*See, e.g.*, Dkt.  
 14 416, 414, 406, 393, 392.) Thus, the Court should grant Waymo’s administrative motion to seal.

15 **III. DEFENDANTS’ CONFIDENTIAL INFORMATION**

16 Waymo only seeks to seal the portions of Appendices A and D to the Amended Joint Proposed  
 17 Pretrial Order as identified in the table above because Waymo believes such information is considered  
 18 confidential or non-public by Defendants. Corredor Decl. ¶ 6. Waymo takes no position as to the  
 19 merits of sealing any of designated material, and expects Defendants to file declarations in accordance  
 20 with the Local Rules.

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1 **IV. CONCLUSION**

2 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
3 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
4 Waymo respectfully requests that the Court grant Waymo's administrative motion to file under  
5 seal.

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7 DATED: November 21, 2017

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8 LLP

9 By /s/ Charles Verhoeven

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